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TUESDAY JULY 2 1907 SALT LAKE CITY UTAH

ORCHARD AGAIN CONTRADICTED

Max Malich Swears Proposition Was Made to Him to Burn Non-Union Store.

REFUSED TO ENTERTAIN IDEA.

He Was Introduced to Orchard, Alias Thos. Hogan by Pinkerton Detective Named Gratias.

Heard Him Call Gov. Steunenberg Vile Names, Saying but for Him He'd Be a Millionaire.

Boise Ida., July 2 .- Max Malich, another of the men implicated by the testimony of Harry Orchard, made his appearance today as a witness in behalf of William D. Haywood. He directly contradicted all of Orchard's story relating to him. Malich was the leader of the Austrian smelter workers at Globeville and conducted a saloon, store, and hotel there during the strike. Orchard testified that Malich proposed to him that he dynamite a hotel at Globeville filled with non-union men, and offered him \$100 to blow up the store of William Mc-Donald, a business rival, and privately informed the prosecution that Malich had burned himself with "Pettibone dope" while preparing to burn his own store, and had later burned his store with "Pettibone dope," and that Malich had agreed to help him with an alibi when he killed Detective Lyte

Malich swore that Orchard had proposed destroying the non-union hotel and the killing of McDonald, and that he had refused to have anything to do with either crime. He also deried all knowledge of "Pettibone dope" of its use in his store and swore

depe" of its use in his store and swore that Orchard told him that but for Gov. Steunenberg he would be a rich man, and that he would kill him.

An interesting winness called just before adjournment was Edward L. McParland, a brother of Capt, James McParland, the head of the Western Division of the Pinkerton agency. McParland gave a graphic description of his deportation from Victor where he was a shoe-maker at the time of the ricts. He swore that he was subjected to many indignities and sent away from the town with other men.

MAN MALICH CALLED.

MAN MALICH CALLED.

Max Malich was called to the stand immediately after the opening of court today. Malich is a carpenter and miner. He was a smelterman at Globeminer. He was a smelterman at Globe-ville, Colo., at the time of the strike in 1903. Malich said he was an Aus-trian, as were most of the men in the Globeville smelters, "Did you know a man named Harry Orchard, Alias Thomas Hogan?" asked Atty. Richardson, who conducted the examination.

examination. I was introduced to him as Tom

"I was introduced to him as Tom Hogan by a Pinkerton detective named A. W. Gratias."

Malich said he did not know that Gratias was a detective at this time, for he was working secretly and was acting as president of the local smelt-ermen's union. The witness said it was in February, 1905, that he met Orchard, who was then living with Steve Adams and his wife. Malich had become proprietor of a small hotel and bar at this time.

bar at this time.
Orchard testified, it will be remembered, that Malich had suggested to him the blowing up of a hotel where 150 non-union miners were living and had helped him steal 100 nounds of dynamite from the Union

Pacific powder houses. Malich declared today that this tes-Malich declared today that this testimony was all false. He said Orchard or Hogan came to him one day and said: "What is the matter with you folks out here? The scabs are getting the best of you? Why don't you blow that damn hotel off the earth?" He said he replied: "Tom, I wouldn't stand for it under no circumstances. If you do anything like that I am going to denounce you."

After this the witness said Orchard

After this the witness said Orchard told him he was just joking.

Malich said he knew nothing about the taking of any power from the Union Pacific.

The witness was once a member of the city council of Globeville. He de-clared two attempts had been made to burn his place of business, the last on the 27th of spril, 1905, after Orchard had left Globeville.

There had been a card party in the hall of his hotel the night of the 27th, Malleh said, given by the ladies' aux-iliary in charge of strike relief.

OUTRAGE ON MALICH.

Orchard and Adams bought the cheapest foodstuff in the store.

Malich next related a conversation he had with Orchard in a Turkish bath establishment.

HERCULES MINE SALE. "I was taking a bath for rheumatism," said the witness "Tom met me one day when I was going to take a bath and said he wouldn't mind having a clean wash himself, so I took him along. He again told me I was easy to let the Globe Mercantile company continue to do business, when I might have the Globe Mercantile company continue to do business when I might have the trade in my grocery department. He said all I would have to do was to leave Billy McDonald to him. I told him again I didn't want anything like that. He then got to talking to me about Gov. Steunenberg and called him vile names, and said if it hadn't been for him he would have been a millionaire. He said he had to sell his interest in the Hercules mine for \$500 and get in the Hercules mine for \$500 and get out of the country. I told him it didn't make any difference how much money he had, he would lose it all at fare any-

way."
Malich said his store and saloon at
Globeville was burned down June 21,
1905. He was on his ranch in Montrose
county, 434 miles from Denver at this

Asked if he had ever talked to Orchard with regard to or assisted him in making bombs for Judges Goddard and Gabbert or anything else, Malich called out a ripple of laughter by replying:

"I had gone to my bedroom to reliefelds some time when along came a train which slowed down. The engineer asked us if we were the deported men. He then told us to get aboard and he took us into Holly, Colorado, where we remained for some time and some of the fluid splashed on my wrist burning through to the bone. I grabbed up my 3-year-old boy who was asleep and ran out of the room with him. When we went back the foom was filled with smoke from the earpet which was smoldering."

Allich declared he was never able Asked if he had ever talked to Or

to find out who attempted the outrage, He saw Orchard in the month following. This time Orchard told him the smelter company's store was taking all his trade away from him.

He offered to "do up" Willian Mc-Donald, the proprietor of the store for \$100. Malich said he told Orchard that he had all the trade he wanted and he wouldn't have anybody killed on his account.

LOANED ORCHARD MONEY.

The next time he saw Orchard was when the man was writing hall insurance. He lent Orchard \$30 which was sent back to him from Rocky Ford. Asked as to Orchard's financial condition the winter he lived with Steve Adams, Malich said he had to let Orchard have forcer for or the said to be to the said to the said to be to the said to the said to be to the said to thard have money five or six times, being paid back when the latter "made raise" at gambling.
"I never saw a 'boom' in my life

CROSS-EXAMINED BY BORAH.

The witness was cross-examined by Senator Borah. He was required to trace his movements from the time of his arrival in this country in the early 80's down to the present time. He first met George A. Pettibone, when Pettibone was selling clothes wringers and rugs. He denied ever having given Pettibone his proxy to the 1903 convention of the Western Federation of Miners.

"How long was it after you went

of Miners.

"How long was it after you went out to your ranche before your saloon and business place burned down?" asked Senator Borah.

"Three days."

"Did you have a talk with Orchard just before leaving?"

"No, sir."

"How much insurance did you have on the place?"

"About \$5,800."

"About \$5,800."

"Had you taken out some insurance recently?"

"No."

"Hadn't some goods been taken from your place just before the fire and tak-

your place just before the fire a en to Pettibone's store?"
"No, sir?"
"You never heard of that?"
"No, sir?"

"No, sir?"

"There was a fire in your place the day after the saloon and business part was burned?"

Yes, sir, they told me so."

Malch next was questioned as to the acid incident.

"Didn't you go to Pettipone's store with your burned hand bandaged up and didn't he laught at you and didn't you reply: 'It's not so — funny?'"

"I don't remember any conversation with Pettibone about my hand."

"Didn't Pettibone say to you, 'You don't want to monkey with my dope.'"

"No sir."

"No sir."

"When Steve Adams and wife moved away from Globeville didn't they bring some bottles over to your place and leave them in your bedroom, and wasn't it one of these bottles you got nold of and thought it had come through the window?"

"Say, do you honestly think I would leave anything like that in my room after the doctor told me what it was?" asked Malich in reply, and in injured

On re-direct examination Atty. Rich-

ardson said to the witness: "You told Senator Borah you first met Pettibone in 1887. You meant 1898, didn't you?'

Yes, sir," replied Malich; "I meant "When the laughter had finally sub-sided the date was fixed at 1897 and Malich left the stand.

JOE MEHELIET.

The next occupant of the witness chair was Joe Meheliet, who also is a native of Austria and former smelter-Meheliet is now a miner and member of the Western Federation of Miners. He said he first met Harry Orchard at Globeville in January 1900. but denied that he had ever assisted Orchard or Adams to steal powder from the Union Pacific powder house, or anywhere else.

"Did you ever have any conversation with Orchard about blowing up a ho-

"Yes, sir, Orchard came to me one day and asked me if I could tell him how the hotel was situated. I had worked there two months and told him what I knew. He then asked me if I didn't want to come along and help him blow it up. I told him no; that I wouldn't stick my fingers in it as I never intended to kill anybody." Meheliet said he never talked with Orchard as to any attempt on Gov. Peabody or anyone else.

HOW HE MET ORCHARD.

HOW HE MET ORCHARD.

Meheliet first met Orchard through Detective Gratias. He knew nothing of the circumstances of the "falling out" of Orchard and Steve Adams but understood it was over business affairs. The next witness for the defense aroused unusual interest. He was Edward L. McParland, a brother of Pinkerton Detective James McParland who has been in charge of securing evidence for the state. The witness said he was not a member of the Western Federation of Miners, but a shoemaker by trade. He was at work in his shop in Victor the day of the riot there following the Independence depot explosion. After the shooting started McParland said five men came to his shop and said they wanted him.

He was marched between lines of soldiers to the train and taken to

He was marched between lines of He was marched between lines of soldiers to the train and taken to Colorado Springs where he and several hundred miners were transferred to the Santa Fe road and taken to within a short distance of the Kansas line. The engineer of the train refused to take the men across the state line.

After we left the train three vol-"After we left the train three vol-leys were fired over our heads and we were told never to come back," said McParland. "We were in the fields some time when along came a train which slowed down. The en-gineer asked us if we were the de-ported men. He then told us to get aboard and he took us into Holly, Colorado, where we remained for some time."

### MURRAY LUMBER TERRIBLE WRECK YARD DESTROYED

Mill Company's Planing Plant and Runaway Train Collides With Attorney for Defense Seeks for Stock Consumed by Fire This Morning.

Theory That Some Tramps Sleeping On Premises Were Responsible For the Blaze.

The planing mill, machinery and stock lumber owned by the Mill company, situated at Murray was consumed this norning by fire. The entire plant was utterly destroyed, including a modern surfacing machine that cost \$1,600. There was no insurance carried on the plant, which will therefore be at total

plant, which will therefore be at total loss.

The flames were discovered between 4 and 5 o'clock this morning, and heroic attempts were made to save the mill and lumber, but the fire had too much start and all efforts were unavailing. The local fire department responded promptly to the call turned in, and were able to confine the damage to the one yard, though they could not stop the progress of the conflagration.

J. A. Jones, manager of the lumber yard, said he could not account for the origin of the fire other than the theory that some tramp had been sleeping in the yard and had started the fire by dropping a match or a lighted cigar or cigarette. The stock was dry and burned like tinder. The loss will reach at least \$20,000. Building operations at Murray and in the southern end of the county will be seriously retarded by the destruction of the lumber yard.

The Mill company was composed of

yard.

The Mill company was composed of Murray and Salt Lake individuals. Besides the lumber and machinery, a large stock of builders' hardware was also carried, and this is also a loss.

#### INSPECTORS WATCHING JAPANESE IMMIGRATION.

Washington, July 1 .- For many menths the bureau of immigration has had inspectors in Mexico watching the

### FEDERATION RETAINS MOYER AND HAYWOOD.

Denver, Colo., July 2 .- Charles H Denver, Colo., July 2.—Charles H. Moyer was retained as president and Wm. D. Haywood as secretary-treasurer of the Western Federation of Miners by the federation convention today, although they are imprisoned in Idaho on the charge of complicity in the murder of former Gov. Steunenberg. As the constitution of the federation forbids the election to these positions of members not in attendance at the convention, the election of president and secretary-treasurer was president and secretary-treasurer was passed by general consent, no nomina-tions being made for these offices, and under the constitution the incumbents hold over until their successor

### FRANCIS MURPHY.

FRANCIS MURPHY.

Los Angeles, July 2.—The body of Francis Murphy, "apostle of temperance," will be buried at Rosedale cemetery Wednesday faternoon after services at the Simpson auditorium, where the body will lie in state for three hours. Men prominent in the affairs of southern California, who have been associated with the dead evangelist in his temperance work, will act as pallbearers.

Addresses will be made by Rev. Dewitt Talmage, Dr. Robert J. Burdette and Dr. Robert McIntyre.

By order of the mayor, flags throughout the city will be displayed at halfmast. A remarkable tribute to the memory of Mr. Murphy is the movement, instituted by liquor men, to close all saloons in the city during the hours the body will lie in state. A public memorial service will be held next Sunday.

Hon. Robert S. Murphy, lieutenant-governor of Pennsylvania, and John Murphy of Philadelphia, two of his sons, arrived tonight. A third son, William M. Murphy, of Virginia, is expected tomorrow.

### STATE RESTS IN ON BINGHAM ROAD

Light Engine Killing Two And Injuring Others.

LOSS \$20 000, NO INSURANCE. AIR BRAKES WOULD NOT WORK HIS CLAIMS ON CARD GAME.

Pat Cahill, a Miner of Park City, Is Dying as a Result of Accident.

Was Caught With Another Victim Beneath Cars as They Piled in a Heap -Information is Meager.

(Special to the "News.") Bingham, July 2 .- A runaway train of 15 loaded cars of ore was responsible for two deaths and four men injured on the main line of the Denver & Rio Grande between Bingham and Bingham Junction at an early hour this morning. An unknown man was killed instantly and Pat Cohill of Park City, is dying slowly, while Engineer Irvine is badly hurt.

Just how the accident occurred has not ben satisfactorily explained yet, but the opinion of the train crew is that the air had been tampered with and when the shoes failed to grip the wheels. With increasing momentum the

big train plunged down the canyon while the crew valiantly raced dong the top of the cars and did their best to serew down the hand brakes. As soon as it was evident that the train was out of control and could not be checked the crew started to jump and as each man struck the grade he was more or less in-jured. The engineer, fireman, con-ductor and brakemen left the bounc-

ductor and brakemen left the bouncing train at intervals.

Owing to the fact that there is no telephone within two miles of the scene of the wreck details received here so far are meager and until the wrecking crew returns no definite information will be forthcoming.

At the Revere switch, a point about nine miles from Bingham, the runaway smashed into a light engine that was

"Say, do you liohestly think I would large anything like that in my room after the doctor told may be a seek Malleh in reply, and in injured asked Malleh in reply, and in injured to the seek of the seek

Murray general hospital in surreys reaching there shortly before 2 o'clock. This pair was less severely injured than the others. It was thought the more unfortunate victims of the wreck would be brought to the St. Mark's hospital in Selt Leed within the afterneon. One of Salt Lake during the afternoon, atter died while being taken to

#### LET US HAVE PEACE.

Citizen Makes a Plea for a
Genuine Independence Day.
Salt Lake City, July 1, 1907.
Editor Deseret Evening News:
Dear Sir—Can we not have peace? Every man, woman and child is tired of the constant, ceaseless row being carried on by a foolish few.

by a foolish few. Let the Real Estate association and all other business, commercial and social leagues get together and by boosting for Salt Lake counteract the influence of the knockers. How the town would boom! Let us start in wight, right away, by having a genuine Fourth of July. Independence day-let us make it such, let us shake ourselves free of the growlers and scare-howl-

Very truly, yours, A PEACE MAKER. \*\*\*\*\*\*\*

WEDNESDAY, JULY 24th, 1907,

## DONALDSON CASE

Court Intructions to Jury Of Not Guilty.

Contention that No Evidence Has Been Introduced to Show Fraud During the Famous "Deal."

The state rested in the Donaldson trial this morning and Attorney King for the defense asked the court to instruct the jury to bring in a verdict of not guilty. Two witnesses, W. H. Parrent and W. T. Casey were recalled by the defense for cross-examination and two points brought out. Parrent said the money returned to the Mc-Whirters was a part of Donaldson's poker winnings and Casey said Donaldson told him that the \$1,000 bill Casey changed was a part of a winning made in a poker game.

When the second and last witness vas excused, Attorney King opened his argument, the court first excusing the ury, until 2 o'clock this afternoon.

Attorney King argued that nothing has been laid before the court to show the poker game fraudulent and that his client took but little part in it and no part in getting Alexander McWhir-ter into it. These points were the backbone of the argument for dismissal, With the jury out and a dozen or so auditors in the spectators' chairs, the courtroom seemed large and empty. An unusual quiet gave the lawyers an excellent opportunity to fill the room with voice and argument.

KING JUGGLES BOOKS.

KING JUGGLES BOOKS.

Attorney King quoted profusely from authorities. One entire side of the table was covered with imposing rows of encyclopedias of law, etc. Attorney King handled these much as a bell ringer performing at his instruments, first at this one and then at another. The lawyer's skill in grabbing the right book with one hand while gesticulating with the other was more interesting to some auditors than his debating ability.

The defendant himself sat twirling his thumbs, gazing out through the windows into the hot world outside. Attorney King and the newspaper men about the press table showed what animation could be noticed in the room. An old man in one corner of the room strove in vain to sit erect, but fatigue conquered and the gray head finally bobbed its last bob and then laid over on one shoulder. When Attorney King would make a suddeh, loud declaration, the gray head sould leave the shoulder—just for a second, only, returning to enjoy a series of "forty winks" and a blissful escape from argument.

ARGUMENT OF DEFENSE.

ARGUMENT OF DEFENSE. The defense will argue that the taking of the entire \$10,000 was one transaction. This announcement was made in answeer to a question from the defense. Evidently it will be argued that the poker game, itself, was but one portion of the program mapped out to entrap the Scotchmen.

The state will argue that Donaldson played an actively "passive" part throughout.

When the forenoon session was de-

When the forenoon When the forenoon session was de-clared in recess until 2 o'clock Attorney King was still talking. He is not near the end of his address yet, to all evi-dences, and as the prosecution has an extended answer to make, the longfor decision is "not yet, no

### PARRENT RECALLED.

W. H. Parrent was recalled to the stand this morning for cross-examination by Atty. King. It was brought out that the \$1,000 returned to the McWhirters was a part of the money, Donaldson got from them. At least Parrent said he was so told by Bell. W. S. Casey was also recalled for cross-examination by Atty. King. Casey was asked if Donaldson didn't tell him that the \$1,000 bill Casey changed for the defendant was a part of winnings in a poker game. Casey explained that Donaldson told him he of winnings in a poker game. Casey explained that Donaldson told him he had come by the \$1,000 bill in a poker game, but the witness did not know the defendant had one. The state announced it would rest upon the evidence submitted.

### GRAND LARCENY CHARGE.

Aftorney King immediately asked the prosecutor to elect upon which charge it desires a verdict rendered against the defendant. The court asked the state to do so and after a second's whispered conference with Major Breeden. District Attorney Loofbourow then announced that the first crime charged, that of grand larceny would be pressed. Atty. King then began an argument, touching upon the principal points of the case. The jury was excused before this argument opened.

"We will contend that the taking of the \$2,000 was not from the person of

"We will contend that the taking of the \$2,000 was not from the person of Mr. McWhirter, nor the taking of the \$3,332 either," began the attorney, "should this not be granted, however, we contend that the defendant is in no wise responsible. It has been proved that any money obtained from the McWhirters by Donaldson was won in a poker game. There has been noth-ing to show the game was a frand or in a poker game. There has been nothing to show the game was a fraud o the winning crooked. A mere suspicion is not enough! Absolute proof of the 

fraudulency of the game has not been laid before the court."

ON O'BRIEN'S SHOULDERS. ON O'BRIEN'S SHOULDERS.

The lawyer for the defense went on for some time to show that the O'Briens did all the talking.

"Did not MoWhirter say on the stand that he saw nothing wrong in the game—that he noticed no suspicious actions on the part of those in the room, and especially not on the part of the defendant?

"Was there anything wrong in the defendant announcing he had won and drawing the money and chips? What if he didn't show his hand? It was there for anyone to turn over and examine.

examine.

"Because a man takes part in a card game there is no right to adjudge him guilty of fraud. Under the law governing larceny fraud must be shown absolutely. There must be evidence to show that the victim of fraud charged was misled completely by the person charged with fraud. Mo-Whirter said, "I think I have been cheated." That was all. Did not the state show that Bell examined the hands on the table and saw that Donaldson's cards were the best?"

ASES FOR DISMISSAL examine.

ASKS FOR DISMISSAL.

Continuing, Atty, King went over the testimony of the various witnesses for the state and by smooth argument spoke for the dismissal of his client. "The testimony of the state's wit-nesses shows conclusively that Mr. Don-aldson, took no past in certifice Alexhesses shows conclusively that Mr, Donaldson took no part in getting Alexander McWhirter into the game. He made no representations; offered no invitation and in no way induced the stranger to enter the game. It was Larry O'Brien who said, "If the doctor does not mind I would like to have my friend, Mr. McWhirter take a hand." The conversation was all between Larry and John O'Brien and McWhirter himself, Donaldson merely acknowledged the introduction; he did acknowledged the introduction; he did not invite nor urge McWhirter to par-sicipate."

IDENTIFY MeWHIRTERS AND BELL.

Alexander McWhirter and W. W. Bell were used as exhibits during the afternoon session yesterday and were brought before several witnesses for the state and identified as the men seen together on the afternoon of the robbery during their round-about trip to the police station. Other witnesses for the state told of seeing the men on that memorable occasion while Bell was trying to get away from McWhirter and to avoid going to the police station. William J. Casey, of the Salt Lake Turf Exchange, testified that he changed a \$1.000 bill for Donaldson about a year ago, but would not fixe the date definitely.

SAW DONALDSON IN DENVER.

SAW DONALDSON IN DENVER.

W. F. Rodegkeit, a waiter in the Vienna cafe, told of seeing Donaldson in the restaurant between 2 and 3 o'clock in the morning after the robbery. Donaldson had a \$1,000 bill which he told witness he had won. He also told him that he had been out to his sister's celebrating. Witness saw Donaldson in Denver about 10 days after the robbery and had a talk with him, but, owing to objections by the attorney for the defense, he was not allowed to tell what the conversation was. tion was.

CARDWELL TESTIFIES.

W. J. Cardwell, clerk in a cigar store at 23 west Second South, testified that Alexander McWhirter and a man he thought was Bell were in his store on Sept. 19, the date of the robbery, and that Bell bought a cigar. He said that McWhirter asked him a question, but Atty. King objected to the witness stating what the question was, and the court sustained the objection. Alexander McWhirter and Bell were brought into the court room and the witness identified them as the men who were in his store on the afternoon of the robbery.

SCENE IN DRUG STORE.

Fred Anstee, clerk in the Sun drug store, testified that McWhirter and Bell came rushing into the store and the latter asked to use the telephone. He did use it and called up No. 75 and asked for Chief of Police Sheets. He asked for Chief of Police Sheets. He then asked for Detective Raleigh. McWhirter, he said, then asked him if Bell was an officer and said that he had, \$10,000 of his money. McWhirter and Bell were again brought into the room and identified by the witness as the men who were in the store on that occasion.

CAME TO HER HOUSE.

Mattie Ventress, who lives in a rooming house at 164 south Second West street, told of Donaldson and Bell coming to her house the latter part of September and asking to use the telephone. She identified Bell and Donaldson as the men who called at her son as the men who called at her place. She said that she had not seen either of them since last September until a few days ago when she was introduced to Bell by Deputy Sheriff Sperry and saw Donaldson in the courtroom,

ALEX, RECALLED.

Alexander McWhirter was recalled by the state and retoid the story of the robbery, of the trip to the police station with Bell, of meeting Chief station with Beil, or meeting Chief Shees, of Beil getting part of the money back and then taking him to the train to leave for California. The attorney for the defense moved to strike out all of McWhirter's testimony as being in no way connected with the defendant, but the motion was denied.

WILLIAM RETELLS STORY.

William McWhirter was also recalled and retold his story of the trip to the police station hunting for Bell and his brother. Mr. King also attempted to brother. Mr. King also attempted to have his testimony stricken out, but wasu nsuccessful in that.

"JIM'S" SISTER TESTIFIES.

Mrs. Mary King, sister of Donaldson, testified about Jim and three men coming to her house for dinner on the eve-ning of Sept. 19, and that another man came later. She did not know who they were and has never seen them since She said that Donaldson brought the food for dinner with him and that they left about 8 o'clock. Her daughter, Grace King, also told about Donaldson and the four men coming out to her source for dinner on the evening of the cobbery. She did not know who the nen were and has never seen them

### E. P. SEARS IN TROUBLE.

Complaint Charging Him With Obtain ing Money Under Palse Pretenses

J. Johnson today swore to a complaint against E. P. Sears, a local real estate man, charging him with obtaining money and goods by false pretenses. On Oct. 4, 1906, it is alleged that Sears undertook to trade a piece of land to Johnson southwest of the city and took him out and showed him what was supposed to be the land. The trade was made but when the deed was delivered it was found that the land was not what had been shown Johnson was not what had been shown Johnson but was a piece of low marshy realty unfit for cultivation at all. Johnson traded a tract in Murray valued at \$800 and \$700 in notes and securities for the land. A suit is now pending in the district court in which Johnson asks to have the deed cancelled and set aside and the notes returned. The complaint in the criminal action was filed in Justice Dans T. Smith's court.

### THE GRAND PRIX

Italian Automobile Champion Covers 477 Miles in 6 Hours,

SZISZ CAME IN SECOND.

First Round of Course of About 47.7 Miles Was Made in 37 Minutes, 33 Seconds.

Only Nine Finished-Race Marked By no Serious Accidents,

Thirty-eight Contestants Entered, but

champion, today won the automobile grand prix, covering about 477 miles in 6 hours, 46 minutes, 33 seconds. The race was run over a heavy track in the presence of a vast concourse,

figure among the leaders. Szisz was second in 6 hours, 53 minutes, 10 seconds; Lancia third. The race was marked by no serious

driving an American machine, had

trouble early in the race and did not

occurred between two of the cars. Only nine of the contestants finished, Shepard doggedly persevered to the

Contrary to expectations, President Fallieres was not present. The cabiuet was represented by Minister of

Glorious sunshine favored the start of the grand prix automobile race today. Fifty thousand persons marched in and around the tribune and saw the machines go forward on their dizzy journey, while 150,000 others were concentrated in other villages along the moute to view the race.

The roadway dried up nicely during the night, and as the start was madelooked to be very fast. Going to the post, the pilots of several of the most mayerful machines were doubtful as to the the course with the amount of gasoline allowed them. The betting odds on the Fiat cars lengthened on this acount. Some of the experts ten the cars would be stranded upon the roadside before the race was finished.

HIGH PACE SET.

HIGH PACE SET.

Lancia set a very high pace in the first round, but Duray nevertheless soon overhauled him. Wagner, however, passed both before the first round was completed. He eventually completed the first round of about 47.7 miles in 39 minutes and 53 seconds, and steadily maintained his place in the front, leading Duray by 1 minute and 20 seconds at the end of the first round. By this time accidents had already begun. Eight contestants were soon reported as having been crippled and having dropped out of the race. Christle, who at the end of the first round came in with a clutch jammed, was came in with a clutch jammed, was having more trouble and was considhaving more trouble and was considered as ignominously beaten, but he was bravely trying to patch his machine for another start. Duray, one of the favorites in the race, also had his measure of bad luck. While re-provisioning he over-tipped his receptacle and lost quite a quantity of the precious petrole.

Wagner was in difficulties in the fourth round and was compelled to surrender his lead which was taken by Duray and Lancia in second place. The race at this stage seemed, barring accidents, to have narrowed down to Duray and Lancia.

At the end of the fifth round Duray was going at a killing pace, and as

was going at a killing pace, and as he passed the tribune, his elapsed time was 3 hours. 24 minutes, 55 seconds, 2 minutes, 24 seconds ahead of Lancia. DURAY INCREASES LEAD,

In the sixth round Duray increased as lead over Lancia by 33 seconds and his lead over Laucia by 33 seconds and Nazzaro closed up a strong third, 38 seconds behind Lancia. Szisz was fourth and the rest were strung out most hopelessfy beaten.

Christie, one of the American competitors, talked confidentially before the race. He said he was sure he would be able to control his machine, and he declared that if his gasoling held out he would show Europe a clean pair of heels.

SIGNAL TO START. The signal to start was given by six small cannon mounted opposite the Tribune. With the sound of the first report Lancia in a Fiat car, shot by the stand, the first away. He was sent the stand, the first away. He was sent off with a roar of applause. The other competitors followed at minute intervals. Dura in a Torrine Detrrich, was fourth; Szisz, driving for the Renaults, was ninth, W. C. Christie in his American machine, was twelfth; Nazzaro in another Flat was eighteenth, another American driving a Panhard, was twenty-fifth and Shepard, also an American, was the thirty-second man to ret away.

Shepard, also an American, was the thirty-second man to get away.

The lodges at the tribune were crowded with nobles, including Count Forez, commanding the Third army corps, the troops, kept the road clear; Prince and Princess Ortoff Diaroff, Baron Rothschild and scores of prominent automobilists from both sides of the Atlantic.

From the tribune almost a third

of the Atlantic.

From the tribune aimost a third of the course was visible, the red dotwhere the French soldiers stood marking the route through the green lanscape. From the starting point the flying ragers shot shead like arrows for half a mile, where they doubled back sharply, skimming over the undulating road past the forest of arques before entering the narrow, dangerous shaped chute to the bridge at Alcourt. Thence the road is a sucdangerous shaped chall to the bridge at Alcourt. Thence the road is a suc-cession of low hills to Lendineres. There is found the fastest portion of the course to Europe, whence a beau-tiful stretch of road along the sea

Bablot's car collided with the car-driven by Richez, while descending the Ancosurt (court slope, Both were ditched but neither of them was ser-

takes the racers back to the starting

ditched but neither of them was serjously injurad.

Eillot F. Sheppard in spits of three
petty accidents, was well up towards
the leaders.

Nazzaro, driving furiously, covered the seventh round in 88 minutes, 40 seconds, taking second pinfrom Lencia, Duray's machine by the

etc.
Duray's machine broke a gearing in the eighth round, leaving Nuzarro in

Will be the Sixtieth Anniversary of the Entrance of the Pioneers Into the Salt Lake Valley. In commemoration of the event, The Deseret News will that day issue a SPECIAL PIONEER EDITION

Families or friends of pioneers possessing photographs or any other kind of pictures of those who entered the valley with Prest. Brigham Young July 24, 1847, are requested to lend them to the Deseret News, in order that they may be copied and given a place in "THE PIONEERS' GAL-LERY," which it is designed to make a feature of the edition. All will be carefully preserved and returned to the owners.

Please forward the pictures at once. Any received after July 12, can not secure a place in Are you reading the pilgrimage of the pioneers being published daily in the "News?" Their approach

to the valley is full of interest. 

# NAZZARO WINS

46 Mins., 33 Secs.

Dieppe, July 2 .- Nazzaro, the Italian

with 38 participants, chiefly French. Christie, the only American participant

accidents, although a minor collision

and, finishing last in 7 hours, 39 minutes, 35 seconds. The English, Belgian and German racers made almost as poor a showing as Christie.

Public works Barthou. Glorious sunshine favored the start

HIGH PACE SET.